

## REMARKS

In the January 7, 2005 Office Action, the Examiner noted that claims 1-15 were pending in the application and were rejected under 35 USC § 102(b). In rejecting the claims, European Patent Application 0 499 564 A2 to Ackman et al. (Reference N, identified by the first inventor listed after the name of the applicant) was cited. Claims 1-15 remain in the case. The Examiner's rejections are traversed below

### The Application

The subject application is directed to a system for controlling power supply control devices 112, 122, 132, 142 (Fig. 2) by a power supply scheduling unit 112a in one information processing device (computer 111) arbitrarily selected from among a plurality of such devices (computers 111, 121, 131, 141). The power supply scheduling unit contains a schedule for powering up and powering down each power supply control device and sends the schedule for each of the other computers 121, 131, 141 to a power supply management unit 121a, 131a, 141a therein, respectively. If computer 111 is operational, instructions are issued according to the schedule to power up the other computers. However, if computer 111 fails when one or more of the other computers is powered down, the schedule stored in the power supply management units of the other computers will automatically power up their computer.

### The Prior Art: European Patent Application 0 499 564 A2

The '564 European application is directed to automatic power removal in a network 24 connecting a mid-range computer 12 (Fig. 1) to a personal computers 14, 16, 18, 20, and 22. No description has been found regarding which computers connected via the network are subjected to power control or what components of the computer(s) are controlled according to the schedule. What is described is the ability of users to respond to a message that something in the network is being powered down by requesting or requiring that the power down sequence be delayed.

### Rejections under 35 USC § 102(b)

On pages 2-4 of the Office Action, claims 1-15 were rejected under 35 USC § 102(b) as anticipated by the '564 European patent application. In making this rejection it was asserted that column 3, line 18 to column 4, line 42 and six lines of claim 1 in column 7 discloses "issuing a power-up instruction to each power supply control device" (Office Action, page 2, last paragraph, line 4). However, no mention of any "power supply control device" has been found in the cited

portion of the '564 European patent application. As discussed above, the storage of a schedule is described. When something in the system taught by the '564 European patent application determines that the current time "is within 30 minutes of the next scheduled off time" (column 4, line 47), "power off warning messages [are transmitted] to all users within data processing system 10" (column 4, lines 54-55). These messages are not instructions and they are sent to users, not power control devices. The following paragraphs discuss how the power off schedule can be delayed. Reasons for delay include requests from users and operations that are being performed for "cleanup" and "backup" (see column 5, line 37 to column 6, line 19). In addition, a determination is made that the next power on time is sufficiently far in the future that power should not be left on. Only after all of these checks have been made is there a call to "a user specified power off program ... or the initiation of the power off sequence" (column 6, lines 54-56). The "user specified power off program ... allows a user with a sufficient authority to specify selected conditions which must be met or which must occur prior to permitting a power down sequence within data processing system 10" (column 7, lines 1-5). Examples are provided in the following paragraph at column 7, lines 6-23. However, nowhere in this paragraph or anywhere else in the '564 European patent application is there any description of what is being controlled in a power down sequence.

A rejection under 35 USC § 102(b) requires that a prior art reference teach each and every limitation recited in the claims and that the reference enable one of ordinary skill in the art to make and use the invention being claimed by the application under examination. It is not clear that the system taught by the '564 patent application instructs "each of the information processing devices to perform a powered-down process" (claim 1, line 9) and it is submitted that a person of ordinary skill in the art would **not** expect such an instruction to be issued. A conventional token-ring network or LAN does not issue commands over the network to power down computers connected to the network, but rather the network becomes unavailable when the server, i.e., midrange computer 12, is powered down. It is submitted that the previously quoted limitation from claim 1 would be obvious only if an additional reference is cited providing evidence that one of ordinary skill in the art would find it obvious to issue such instructions, because nothing has been cited or found in the '564 European patent application suggesting issuance of such an instruction.

Furthermore, nothing has been cited or found in the '564 patent application regarding the power-up process. Claim 1 recites "issuing ... a power-up instruction to each power supply control device of the other information processing devices" (claim 1, lines 5-7). It is even less obvious from the '564 European patent application that it is possible to power up personal

computers by issuing an instruction. For the above reasons, it is submitted that claim 1 and claims 3, 5 and 7 which depend therefrom patentably distinguish over the '564 European patent application.

Like claim 1, claim 2 recites "issuing ... a power-up instruction to each power supply control device" (claim 2, lines 5-7) and "issuing a power-down instruction to each of the other information processing devices" (claim 2, lines 11-12). Therefore, it is submitted that claim 2 and claims 4, 6 and 8 which depend there from patentably distinguish over the '564 European patent application for at least the reasons discussed above with respect to claim 1.

Claims 3 and 4 have been amended to clarify that the arbitrary margin is added "automatically" (claims 3 and 4, line 4), not in response to a user request as taught by the '564 European patent application. Therefore, it is submitted that claims 3 and 4 further patentably distinguish over the '564 European patent application for this additional reason.

Using language similar to that found in claim 1, claim 9 recited "instructing each power supply control device of other information processing devices to perform a power-up process" (claim 9, lines 7-8) and "instructing each power supply control device to perform a power-down process" (claim 9, lines 9-10). For at least the reasons discussed with respect to claim 1, it is submitted that claim 9 and claims 10-12 which depend therefrom patentably distinguish over the '564 European patent application.

Claim 13 is directed to a "power supply control device in a computer system" (claim 13, line 1). As discussed above, no mention of a power supply control device has been found in the system disclosed by the '564 European patent application. As a result, the components of such a power supply control device recited at lines 4-8 of claim 13 are not taught or suggested by the '564 European patent application.

Claims 14 and 15 recite limitations similar to those quoted above from claim 9. Therefore, it is submitted that claims 14 and 15 patentably distinguish over the '564 European patent application for the reasons discussed above with respect to claims 1 and 9.

## **Summary**

It is submitted that the '564 European patent application does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-15 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4/7/05

By: Richard A. Gollhofer  
Richard A. Gollhofer  
Registration No. 31,106

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501